

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK GARNES,

Plaintiff,

-v-

PRITCHARD INDUSTRIES, INC.,

Defendant.

CIVIL ACTION NOS. 23 Civ. 6699 (PAE) (SLC)
23 Civ. 10707 (PAE) (SLC)

ORDER

MARK GARNES,

Plaintiff,

-v-

PRITCHARD INDUSTRIES, INC. and LOCAL 32BJ
SEIU,

Defendants.

SARAH L. CAVE, United States Magistrate Judge:

This Order concerns two cases brought by pro se Plaintiff Mark Garnes (“Mr. Garnes”) alleging discrimination and other claims against his former employer, Defendant Pritchard Industries, Inc. (“Pritchard”). See Garnes v. Pritchard Indus., Inc., No. 23 Civ. 6699 (PAE) (SLC) (S.D.N.Y. filed July 28, 2023) (“Garnes III”); Garnes v. Pritchard Indus., Inc. and Loc. 32BJ SEIU, No. 23 Civ. 10707 (PAE) (SLC) (S.D.N.Y. filed Dec. 7, 2023) (“Garnes IV”).¹ The two cases have significant factual overlap. Garnes III alleges, inter alia, that Pritchard discriminated against Mr. Garnes by failing to grant him a religious exemption from Pritchard’s vaccination requirement. (See Garnes III, ECF No. 1 ¶¶ 3–18). Garnes IV is pled as a “continuance” of Garnes III, in which

¹ Although not addressed in this Order, Mr. Garnes has also filed two other actions in this Court against Pritchard. See Garnes v. Pritchard Indus., Inc., No. 20 Civ. 3843 (PAE) (SLC) (S.D.N.Y. filed May 18, 2020); Garnes v. Pritchard Indus., Inc., No. 22 Civ. 10674 (PAE) (SLC) (S.D.N.Y. filed Dec. 16, 2022).

Mr. Garnes alleges that Pritchard discriminated against him by failing to reinstate him when New York lifted its vaccination mandate. (See Garnes IV, ECF No. 1 at 5).

On November 2, 2023, Pritchard filed in Garnes III a motion to dismiss the Complaint, or in the alternative, to compel arbitration. (ECF No. 9 (the “First Motion”)). On November 3, 2023, the Honorable Paul A. Engelmayer referred the First Motion for a Report and Recommendation. (ECF No. 15). On January 8, 2024, Mr. Garnes opposed the First Motion. (ECF No. 20). On February 2, 2024, Pritchard filed a reply. (ECF No. 24). Thus, the First Motion is fully briefed and sub judice. On January 29, 2024, Mr. Garnes filed in Garnes III a motion to “vacate, modify and correct” a November 16, 2023 arbitration award that relates to the claims in Garnes III. (ECF No. 21 (the “Second Motion”)); see ECF Nos. 22 (affidavit in support); 23 (memorandum of law in support)).

Due to the significant factual and procedural overlap between the First and Second Motions and Garnes III and Garnes IV, in the interest of judicial economy, Pritchard’s deadline to respond to the Second Motion in Garnes III and the deadline for all Defendants to respond to the Complaint in Garnes IV are HELD IN ABEYANCE until the First Motion in Garnes III is decided.

Dated: New York, New York
February 5, 2024

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge